

FILED  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA 08 FEB 12 PM 12:26

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus HERRERA-Torres,

Defendant

Magistrate Docket No. **08 MJ 0409**


BY: *PDR* DEPUTY  
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **February 10, 2008** within the Southern District of California, defendant, **Jesus HERRERA-Torres**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12<sup>th</sup> DAY OF FEBRUARY 2008

  
\_\_\_\_\_  
Anthony J. Battaglia  
UNITED STATES MAGISTRATE JUDGE

CEM

**CONTINUATION OF COMPLAINT:****Jesus HERRERA-Torres****PROBABLE CAUSE STATEMENT**

On February 10, 2008, at approximately 9:40 p.m., Senior Patrol Agent C. Devenport responded to a seismic sensor activation. Agent Devenport arrived at an area that is located approximately nine miles east of the Tecate, California Port of Entry and one quarter mile north of the International Border with the United States and Mexico. Agent Devenport observed five sets of footprints heading northbound on a trail. Agent Devenport notified Supervisory Border Patrol Agent D. Ihlenfeld. Agent Ihlenfeld began looking for the footprints on a dirt road approximately three quarters of a mile north of Agent Devenport. Agent Ihlenfeld encountered two sets of footprints breaking south off of the road into the brush. Agent Ihlenfeld followed the footprints for approximately fifty yards, where he found two individuals hiding. Agent Ihlenfeld identified himself as a Border Patrol Agent and conducted an Immigration inspection on each individual.. Both individuals, including one later identified as the defendant Jesus HERRERA-Torres stated that they were citizens and nationals of Mexico without any U.S. immigration documents that would allow them to enter or remain in the United States. Both individuals, including the defendant were arrested at approximately 10:10 p.m. and transported to the Tecate Border Patrol Processing Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **October 8, 2003** through **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.